

REMARKS

Claims 1, 3-4, 6-18, 30-38, 40, 43-44, and 46 are pending in this application. In light of the remarks contained herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the Advisory Action mailed March 9, 2005, the Examiner indicated that the proposed amendments contained in the Reply filed after the Final Rejection would not be entered because they raise new issues that would require further consideration and/or search. Applicants respectfully request consideration of the Reply After Final together with the arguments contained herein. Further, the Examiner indicated the proposed amendments raise new issues of new matter. Applicants respectfully disagree that the proposed amendments contain new matter.

The Examiner asserts in the Advisory Action that it is unclear whether "the sound of the maximum volume is selected when the user enters a sound selection indication" is part of a "single operation". The Examiner further questioned why it was claimed as if it is a secondary step. The Examiner notes that the initial step of "selecting a sound" was previously interpreted such that the latter claimed "single operation" are two different limitations which provide breadth for different ways of selecting a desired sound either generically or by certain information such as volume. The Examiner asserts the newly added step for selection is

ambiguous because it is not clear whether the antecedent is the initial (generic) selection of a sound or the "single operation" selection based on volume. Finally, the Examiner notes that "providing a select indication operated from an external source" is new matter. Applicants respectfully disagree with the Examiner's assertions.

Applicants maintain that the claim language "... and the sound of maximum volume is selected when the user enters a sound selection indication" being part of the "single operation" is clear and is fully supported in the specification. For example, the Examiner's attention is respectfully directed to the specification at page 12, line 33 to page 13, line 4. Further exemplary support for the "single operation" is also supported in Fig. 4, S33, S36, and S37. Additionally, exemplary support for the device for the "select indication operated from an external source" is clearly depicted as the presentation indication device 84 in Fig. 8. As such, Applicants maintain that the newly added claim language is not new matter and satisfies 35 U.S.C. § 112, first and second paragraphs.

Additionally, Applicants respectfully respond to the Examiner's inquiry regarding why the noted claim language is recited as if it is a secondary step by noting that it is clear from a reading of the claim that the step of selecting a sound includes selecting information associated with the sound and

further, the step of selecting information is a single operation of selecting the sound of the maximum volume. Based upon the claim recitations, Applicants maintain that the claim clearly recites the single operation of selecting a sound as claimed.

Based upon the arguments included in the Reply After Final filed January 7, 2005, and the arguments contained herein, Applicants respectfully request that the outstanding rejections be withdrawn.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 

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